

Complaint of North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help, and Waterkeeper Alliance, Inc. under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d and 40 C.F.R. Part 7

against

North Carolina Department of Environment and Natural Resources

filed with

the United States Environmental Protection Agency

**SUPPORTING EXHIBITS**

**VOLUME 2 OF 3  
EXHIBITS 27-45**

**Filed: September 3, 2014**

Complaint of North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help, and Waterkeeper Alliance, Inc. under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d and 40 C.F.R. Part 7

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## **Exhibit 27**



**DECLARATION OF** **Ex. 6 - Personal Privacy**

1. My name is **Ex. 6 - Personal Privacy** I am of legal age and competent to give this declaration. All of the information in this declaration is based on my own personal knowledge unless otherwise indicated.

**Background**

2. I am Latina. I live at **Ex. 6 - Personal Privacy** in the town of **Ex. 6 - Personal Privacy** North Carolina. (See Attached Map). I live here with **Ex. 6 - Personal Privacy** is **Ex. 6 - Personal Privacy** years old. I am also **Ex. 6 - Personal Privacy** years old. **Ex. 6 - Personal Privacy** will be **Ex. 6 - Personal Privacy** this year, and **Ex. 6 - Personal Privacy** is **Ex. 6 - Personal Privacy** years old. We own our house. We have lived here for **Ex. 6 - Personal Privacy**

3. **Ex. 6 - Personal Privacy**  
**Ex. 6 - Personal Privacy** concerns in our area. We encourage people to protect themselves at work.

4. There are at least eight hog houses within two miles from where my family lives. I have a map pinpointing where the hog farms and houses are in proximity to my home. There are also turkey farms near me.

### Experience Living Next to a Hog Facility

5. [Ex. 6 - Personal Privacy] my [Ex. 6 - Personal Privacy] year old, is always complaining about [Ex. 6 - Personal Privacy] and [Ex. 6 - Personal Privacy]. The doctors say [Ex. 6 - Personal Privacy] issues, but we don't know if it is related to the contamination around us.

6. A few years ago, maybe three years ago, trucks started coming very close to my property to dispose of sludge near my property line. Now, the trucks are coming in even more often than before and it is very upsetting. They make more trips and have more truck drivers. There is a lot of noise and dust. I don't have the freedom to spend time with my children outside. I know from talking with my neighbors that there are plans to expand the sludge operation because they've been asked if it's permissible to spread the waste on their property.

7. We've been in even closer proximity to the sludge operation because our dog ran away and we went looking for him near the application area. It smells terrible back there.

8. I am concerned about my health and my privacy at home. I can't go outside because of the truck traffic associated with the sludge operation. They come in around 6:30 a.m. in the morning and keep going in and out all day. They do ten or more trips a day and they leave around 5 or 6 p.m., sometimes 7 p.m. I cannot rest because I hear the trucks coming in and out.

9. I think they could make another road to enter the area where they spread the sludge so that they do not have to come so close to my home or take the sludge somewhere else. I want them to stop.

10. We use well water. Because we live so close to hog farms and the sludge operation, I am concerned if the water is safe to drink or safe for cooking. I don't drink it – I buy water every week. We spend about \$10 or more a week, maybe \$15, on purchased water.

11. Hog farms are everywhere. I smell them all the time and it's terrible. Sometimes I feel like I am going to get sick from smelling all this. The smell of the hog farms is worse in the afternoon. I've noticed the smell the whole time I've been living in Ex. 6 - Personal Privacy and it's worse than it used to be when I first moved here.

12. I live within a quarter mile of a sprayfield. It seems like they do it every two or three weeks. I don't keep my windows open because of the smell.

13. I see Latinos working at the hog farms. I never see Caucasian people working at the hog farms. The supervisors are Caucasian. The African-Americans and Latinos take care of the hogs. The Caucasian people tell them what to do and then they leave. The offices of supervisors are far from the hog farms. I have a lot of Hispanic friends that tell me different stories about the hog farms. They tell me that the Caucasian people don't work there.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Executed in Ex. 6 - Personal Privacy North Carolina on August 31, 2014

Ex. 6 - Personal Privacy \_\_\_\_\_

Address:

**Ex. 6 - Personal Privacy**

Addressee:

**Ex. 6 - Personal Privacy**

Map radius: Approximately 2 miles

Source:

Google Maps

**Ex. 6 - Personal Privacy**

## **Exhibit 28**

**DECLARATION OF** **Ex. 6 - Personal Privacy**

1. My name is **Ex. 6 - Personal Privacy** I am of legal age and competent to give this declaration. All of the information herein is based on my own personal knowledge unless otherwise indicated.

**Background**

2. I am African-American.

3. I live at **Ex. 6 - Personal Privacy**

(See Attached Map). I rent my house.

4. The closest hog facility is five or six miles from where I live. I smell the hog waste at certain times of the day when the wind changes directions. I smell it when the facilitators are pumping spray on the fields. I smell it when the wind blows. I also smell it if I drive by the fields, even if they are not pumping. The mist of the spray has hit my windshield when I go to the store or to visit my family.

5. I used to fish more than I do now. Now, however, I fish less because the creeks and streams are polluted with hog waste. I didn't know that the streams and creeks were polluted until **Ex. 6 - Personal Privacy**

**Ex. 6 - Personal Privacy** taking water samples. I went to a creek and the water seemed clear, but I saw dead fish. All the creeks at which I used to fish are contaminated because of the hog farms. The hog farms affect the water in the streams.

6. I have three grown hunting dogs and seven puppies. I enjoy hunting raccoon and rabbit. One night, while I was hunting raccoon with some friends, we had to go into the woods. We found out they were spraying into the wood line because we had on waders and we stepped knee-deep in hog sludge. That was not supposed to happen. I'm afraid that the hog sludge run off will contaminate the streams.

7. I started to notice that the facilities were spraying a lot of waste into the tree line in the mid-to-late 90's and early 2000's. I started to see more hog houses being built. In the early days, the hog farms used the gun sprayer. Now we see the pivot wheels and the stationary spray packs. The pivot wheel is automated; it rotates around the field. The spray gun is pulled out manually. The stationary spray pack has underground pipes that come up about every two and a half feet and they are fifty feet apart. The system is all underground and the spray comes up. Out of all these methods, the spray gun is the worst because it shoots out a big stream and it's spraying constantly – if you get in front of it, it will soak you. I know about the different types of sprayers because I used to work in a pig nursery and I had to turn the spray guns off.

8. My doctors tell me that I should walk to make sure that I stay in shape, but I don't walk as much as I should. There are hog trucks on the main 4-lane highway. There are hog trucks, turkey trucks, trucks from the Valley Proteins



factory—I see it all, including dead hog trucks. I don't want to walk out there and smell the air from all those things. If you are in your car and hog trucks pass you, you will still smell the ammonia.

9. I have many concerns regarding the hog farms. I am concerned that the hog farms are polluting the air. I am also concerned that the hog farms are messing up the environment. If I go anywhere in the county, I smell where they are pumping off the lagoons. If I drive by a hog house, I smell it. When farmers started consolidating the hogs and started raising hogs in hog houses, things went bad. Back in the early 80's and early 90's, I didn't see many hog houses. I could walk anywhere to fish or hunt, but now I can't fish anywhere because the creeks are dead and all my neighbors have a "no-trespassing" sign posted on their land.

10. I try to stay far away from the hog farms because the smell is terrible and because I don't know what could potentially be in the air.

11. The hog facilities have boxes for the dead animals. During the summer, the dead boxes are particularly bad. It creates an awful smell. Six or seven years ago, I saw a truck carrying dead hogs and several came out of the back of the truck. The smell was awful then, too.

12. I have seen some hog farms wash out the houses. When they wash down the hogs waste in the hog house, the run off can go into ditches which then go into streams.

13. **Ex. 6 - Personal Privacy** I drive around to see if I can spot any hog farms that are violating the North Carolina law, like spraying in the rain. I also watch for when the facility sprays when no one is watching. The sprayers should have someone watching them, in case it starts to rain. Someone needs to be there to immediately turn them off. Someone needs to watch the spray because other detrimental things could happen too, like a pipe bursting. I've seen a hog farm spraying at 10 or 11 o'clock at night. I wonder if anyone is watching, or if they are at home watching television.

14. If I could change anything, I would try to figure out how the hog farms would not have to pump the waste onto the fields, or have them get rid of the lagoons so they wouldn't have to pump the spray. If that's not a possibility, then I would change the spraying system so that it would be drilled into the ground so it would not get into the wind. I wish that they wouldn't spray on windy or rainy days. If it's raining, then the ground is already saturated and there can be runoff which can result in polluted creeks.

15. I think hog facilities have more negative impacts on African-American populations than all others. Most hog farms I know only employ African-Americans or Hispanics. There are not many people of Caucasian ethnicity working on the hog farms. Most of the hog houses are in African-American neighborhoods. I don't know of any hog houses in Caucasian

neighborhoods. In a Caucasian neighborhood, if they were to hear about a hog facility coming to their neighborhood, I think they would protest. From my experience, an African-American person is more afraid that what he has will be taken so he will just say that he has to learn to put up with it.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Executed at Ex. 6 - Personal Privacy North Carolina on August 30, 2014.

Ex. 6 - Personal Privacy \_\_\_\_\_

Address:

**Ex. 6 - Personal Privacy**

Addressee:

Ex. 6 - Personal Privacy

Map radius: Approximately 1.5 miles

Source: Google Maps



**Ex. 6 - Personal Privacy**

## **Exhibit 29**

**DECLARATION OF** **Ex. 6 - Personal Privacy**

1. My name is **Ex. 6 - Personal Privacy** I am of legal age and competent to give this declaration. All of the information herein is based on my own personal knowledge unless otherwise indicated.

**Background**

2. I am a **Ex. 6 - Personal Privacy** year old African American woman. I was born in **Ex. 6 - Personal Privacy** in North Carolina, and I lived there until I was one year old. At that time, my family moved to a home in **Ex. 6 - Personal Privacy** I have lived throughout the country, including New York, and throughout North Carolina. Three years ago, in 2011, I moved from **Ex. 6 - Personal Privacy** North Carolina, back to **Ex. 6 - Personal Privacy** North Carolina to be closer to my family.

3. I currently live in **Ex. 6 - Personal Privacy** The house is located at **Ex. 6 - Personal Privacy** North Carolina, right next to a hog facility, as shown in Exhibit 1. My aunt and other family members live in houses and trailers nearby.

4. I understand from an attorney at Earthjustice that the hog facility next door is called **Ex. 6 - Personal Privacy** and that it has a permit from the state of North Carolina that allows it to house **Ex. 6 - Personal Privacy**

### Experience Living Next Door to a Hog Facility

5. Living next door to a hog facility is difficult. When the facility is spraying, the smell is just awful. Sometimes, if the facility is spraying, I can even smell it from inside a car on Ex. 6 - Personal Privacy as I am heading toward my house. As the car drives around the last curve before my house, the smell just hits me. The closer I get to my house and the sprayfields, the worse it smells.

6. The facility next door sprays year round, even in the winter if the weather is warm enough.

7. I volunteer Ex. 6 - Personal Privacy sold. Some days I go with my mother to the store, but I usually work from home, sitting in my living room Ex. 6 - Personal Privacy In the warmer months, it would be nice to open my doors and windows and enjoy the breeze as I work. My house gets a nice breeze off the trees. But if the facility is spraying, I have to keep the doors and windows tightly shut to keep the smell out. If I open the door just a crack, the smell gets in and lingers. When it is hot, I usually have to sit inside with the air conditioner on, running up my electric bill, to avoid the terrible smell. I wish I could spend more time outside.

8. I have Ex. 6 - Personal Privacy and spend a lot of time at home, even when I am not working. I am on Ex. 6 - Personal Privacy so I have to rely on others if I want to leave the area just beyond my house. When the smell is bad or

when I get stir-crazy and want to leave the house, I usually call my mother and ask her to come and pick me up, but she can't always come and get me. My mother is [Ex. 6 - Personal Privacy] years old and is not always up for a drive.

9. Because I [Ex. 6 - Personal Privacy] it is especially difficult for me to be outside when the facility is spraying. I can't cover my nose with a handkerchief and get around [Ex. 6 - Personal Privacy] If I have to pick up the mail or go outside to get to my deep freezer or my laundry room while the facility is spraying, I have to hold my breath to avoid the terrible odor.

10. Living next to the hog facility has changed the way me and my family use the outdoors. For example, because of the hog facility, I no longer hang my clothes out on the line to dry. I never know when the facility is going to spray. Before I got my clothes dryer, I often would hang my clothes out in the breeze to dry only to come back and find out the facility started spraying and my laundry was covered in a mist of manure. I used to get so upset and worried that the spray would ruin my clean clothes that I finally bought a dryer. I am happier knowing that the mist from the spraying won't ruin my laundry, but I would prefer to leave my clothes on the line to dry.

11. My family and I don't have cookouts in the summer because of our concern about the spraying. When the facility is spraying, the smell is unbearable.



Because we don't know when the facility will spray, we can't plan around it, so we just stopped having cookouts.

12. Living next to the hog facility has taken a toll on my health. I have problems with my **Ex. 6 - Personal Privacy** and these problems have gotten worse since I moved next door to the hog facility. I often have a hard time **Ex. 6 - Personal Privacy** my **Ex. 6 - Personal Privacy** and my **Ex. 6 - Personal Privacy** is raw and sore. People think I have a cold, but I think the hog facility is making it **Ex. 6 - Personal Privacy** My **Ex. 6 - Personal Privacy** also has gotten a lot worse since I moved here. This January, I had to get a machine to help me breathe at night.

13. Living next to a hog facility is very different than what I am used to. Most recently, I lived in **Ex. 6 - Personal Privacy** North Carolina, near the railroad tracks. Living next to a hog facility is much worse than living next to the tracks. I prefer the noise of the trains to the smell of the hog waste.

14. It is hard living and working next to a hog facility. I want someone to help those of us that have to experience the terrible odor and breathe in the harmful pollutants.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Executed in Ex. 6 - Personal Privacy North Carolina on April 17, 2014

**Ex. 6 - Personal Privacy** \_\_\_\_\_

## **EXHIBIT 1**

# **Ex. 6 - Personal Privacy**

**NOTE:** Hog Facility extent drawn from tax parcel information found on Duplin County Tax Administration's website and may not be 100% accurate

## **Exhibit 30**

**DECLARATION OF Ex. 6 - Personal Privacy**

1. My name is Ex. 6 - Personal Privacy I am of legal age and competent to give this declaration. All of the information herein is based on my own personal knowledge unless otherwise indicated.

2. I am the Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

I have served as the

Ex. 6 - Personal Privacy since October 2013.

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

3. I am Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy until

2013.

**About the EJ Network**

4. The EJ Network is a statewide, grassroots-led nonprofit organization made up of community members and other organizations that are working to fight environmental injustice. Member organizations include Bayden Concerned Citizens, Black Workers for Justice, North Hampton Concerned Citizens, Rural Empowerment Association for Community Help ("REACH"), and Roy Oaks Community.

5. The EJ Network exists to promote health and environmental equality for all people of North Carolina. We seek to accomplish these goals through

organizing, advocacy, research, and education based on principles of economic equity and democracy for all people. We focus on the communities that are most impacted by environmental injustice, including people from low-income communities and communities of color. We use community-based participatory research, organize communities, engage media, educate elected and appointed government officials, and advocate statewide for practical solutions to achieve environmental justice.

6. The EJ Network grew out of the work of our founders, Ex. 6 - Personal Privacy and Ex. 6 - Personal Privacy to address environmental injustices in North Carolina.

7. Ex. 6 - Personal Privacy was involved in one of the first issues to launch the environmental justice movement in North Carolina, the fight against the plan to build a landfill in Ex. 6 - Personal Privacy North Carolina that would dispose of polychlorinated biphenyls, or PCBs. In 1982, industry needed a place to dispose of the PCBs, and they settled on Ex. 6 - Personal Privacy a county with a large elderly population and a large African American community. The people in Ex. 6 - Personal Privacy Ex. 6 - Personal Privacy were fighting the plan to dump PCBs in their community. The fight culminated with a demonstration; members of the community laid down in the roadways to stop the trucks from delivering the PCBs to the landfill. The National Guard was called in to disperse the protesters. Many people were arrested. Ultimately, the landfill was built, but the fight helped launch the environmental

justice movement in North Carolina. [Ex. 6 - Personal Privacy] was instrumental in the [Ex. 6 - Personal Privacy] fight and her experience there helped lead her to the environmental justice movement.

8. [Ex. 6 - Personal Privacy] experience with confined animal feeding operations in 1991 was the beginning of [Ex. 6 - Personal Privacy] Concentrated animal feeding operations were just coming to North Carolina in the early 1990s, around the same time the environmental justice movement was forming. [Ex. 6 - Personal Privacy] in [Ex. 6 - Personal Privacy] North Carolina, where [Ex. 6 - Personal Privacy] lived and worked with the Concerned Citizens of [Ex. 6 - Personal Privacy] was one of the proposed locations of some of this development. As [Ex. 6 - Personal Privacy] tells it, in 1991 a local paper ran a story claiming that economic development was coming to [Ex. 6 - Personal Privacy] and that the development was centered on hog farms. [Ex. 6 - Personal Privacy] did not initially have any concerns about the hogs. He figured it was regular farming, as had been happening in the community for decades. Then one of [Ex. 6 - Personal Privacy] neighbors, a white man, approached [Ex. 6 - Personal Privacy] to ask if he had heard about the hog farms that were coming. The man wanted to work with [Ex. 6 - Personal Privacy] and the Concerned Citizens of [Ex. 6 - Personal Privacy] to stop the development. The man and [Ex. 6 - Personal Privacy] took a trip to one of the locations where they were planning to bring in the hogs. When [Ex. 6 - Personal Privacy] saw how the land had been excavated to make room for the huge hog houses, he understood that this was not typical hog farming. It was serious industrial development.

9. [Ex. 6 - Personal Privacy] helped organize community protests against bringing industrial hog farms to [Ex. 6 - Personal Privacy]. Eventually, the concerned black and white citizens of [Ex. 6 - Personal Privacy] encouraged the [Ex. 6 - Personal Privacy] Commissioners to enact an ordinance that required hog operations to obtain permits to construct and operate within the county. The ordinance wound up being strong and, perhaps may have made the industry think twice before coming into [Ex. 6 - Personal Privacy]. There aren't many hog operations in [Ex. 6 - Personal Privacy]. The [Ex. 6 - Personal Privacy] fight was important because it protected communities from industrial agriculture, and because it was the first time that the black and white communities came together to address a common problem. It also helped the communities realize that the hog industry was an environmental justice issue in North Carolina.

10. Also in the 1990s, around the time of the [Ex. 6 - Personal Privacy] fight, and [Ex. 6 - Personal Privacy] experience with hog farms in [Ex. 6 - Personal Privacy], there was a growing recognition of environmental justice issues. People were coming together to discuss the problem. As I understand it, in the late 1990s, the National Environmental Justice Advisory Committee ("NEJAC") met in North Carolina, and participated in a roundtable at North Carolina Central University where members heard reports about the growing hog industry. [Ex. 6 - Personal Privacy] was invited to talk about the hog operations and his experience in [Ex. 6 - Personal Privacy]. I did not attend the meeting, but since learned about it.



11. People raised concerns at the meeting about the growing hog industry and how it was affecting water quality and black communities. After the meeting, some of the community leaders, attorneys, and scientists recognized that they needed to do something about the growing hog problem and settled on having a conference. After the NEJAC meeting, **Ex. 6 - Personal Privacy** and others worked to put on an Environmental Justice Summit at the Historic Franklinton Center at Whitakers, North Carolina, in Edgecombe County. About 75 or 80 people attended the Summit, including **Ex. 6 - Personal Privacy** **Ex. 6 - Personal Privacy** and some of his students. At the Summit, people recognized that they needed an organization to continue to bring people together to address environmental injustices. The EJ Network grew out of the first annual Environmental Justice Summit, which was held in 1998.

### **EJ Issues: The Growing Problem with Factory Farms**

12. Between 1992 and 1998, the hog industry in North Carolina experienced massive growth. During that time, many animals operations were built in the state, particularly the eastern portion of the state. Eastern North Carolina was very rural, with lots of farmland and a very poor community. Initially, the community did not know that the industry was expanding around it. They were not paying attention.

13. The EJ Network realized that there was a strong need in the affected communities for additional information about the industrial hog operations.

Around 2000, with Ex. 6 - Personal Privacy and the EJ Network worked on a project called the Community Health and Environmental Reawakening, or CHER, to meet the need for community education about industrial hog operations. I joined the EJ Network in 1999 and began work on the CHER Project in June of 2001. CHER was an extension of the Southeast Halifax Reawakening Project, which started before I joined the EJ Network.

14. The goal of CHER was to provide communities with information about the expanding hog industry and empower communities to fight back. We told people everything that they needed to know about the hog operations. We gave people three pieces of information.

15. First, we gave people a map of where the hog facilities were located so they could see how many hog operations were coming to their community. We had a student from the University of North Carolina, Chapel Hill create the map showing where the hog operations were located. The student reviewed the permits for the facilities, and mapped out the locations.

16. Second, we gave people information on how the hog operations affect the environment and human health.

17. Finally, we gave people information on the principles of environmental justice and the definition of environmental justice to get them thinking bigger than they were thinking. Black communities in North Carolina had not been environmentalists. The environment was a new issue for these communities, so we introduced them to the issue and explained that the hog operations did not have the right to pollute the air and water and harm the community. And we discussed how it was environmental racism for the hog operations to target and move into African American communities.

18. CHER was not only about giving the community information to inspire advocacy. We also wanted to hear from the members of the communities about their own experience with the hog operations.

19. Most of the people that I spoke with were on well water and they were seeing changes with the quality of their water. The water in their wells was starting to smell like rotten eggs. People started relying on bottled water instead of their wells. People on a fixed income can barely afford to buy clean, bottled water, but they were forced to because their water smelled and often was unsafe to drink.

20. Often as I spoke to people about the hog operations, people began remembering things that they had pushed to the back of their minds. They talked about the odor, the boxes of dead animals at the facilities. They told me that there were more flies now than in the past and how the flies stuck to their window

screens. They talked about seeing animal waste on their cars and how the mist from the irrigators traveled across the fields to their cars. They told me that they felt like prisoners in their own homes.

21. People complained that they would not hang their clothes on the line outside to dry. The odor would set into the clothes, and they would have to wash them out again. Children getting off the school busses would run home instead of walk. Some children even threw up because of the smell.

22. People told me that their eyes would tear up when they were outside. They complained of headaches. They said it was stressful to live near a hog facility.

23. One of the things that struck me as I spoke to people was that they had not realized that they could speak out against the hog operations. People told me that they did not think they could say anything because the hog facility had a right to use their property. I told them that no one has a right to prevent you from enjoying your own property in the way that you intended when you purchased it. I explained that it is an injustice for the hog operations to force you to change your own lifestyle because of how they chose to use their property.

24. The maps helped me open people's eyes to the injustice. People were easily able to identify where they lived and see how close they were to the hog operations. When they realized they were surrounded by hog operations, they

started to understand why they smelled so much odor. Before the CHER project, often people had not paid attention to the lagoon and the pollutants that were coming from the lagoon. After I spoke with people, they began to see the connection between the smell and the hog operations.

25. I asked people to think about whether they were part of a community and if they were organized. I asked them if they knew what their neighbor was experiencing. People began to talk to each other. They began to see that the problem was larger than themselves.

26. Because the hog industry liked to say that it was fostering economic development and bringing in jobs, I asked people if they needed a job at any cost. People would tell me that they would not take a job if it destroyed their health. They realized that they should not trade the health and welfare of their community for the few jobs the hog operations provided.

27. The community wanted to be able to prove that the hog industry was affecting their health. The North Carolina Pork Council was and still is very intimidating to communities. Communities were told that they were making things up—people told me that the Pork Council and hog farmers said that it did not stink when they claimed it stank. Elected officials were no better. I once went to a county meeting where, in response to complaints about the hog industry, one of the elected officials had the gall to ask, “where are the body bags?” His statement

made it clear to me that he thought that unless people were dying, there was not a problem.

**EJ Network Initiative:**  
**Community Health Effects of Industrial Hog Operations**

28. To fight the assertion that we could not prove that hog operations were affecting the environment and human health, the EJ Network contacted Steve Wing for help showing the impact that hog operations were having. Steve began looking at potential research projects that would allow the communities to understand what was happening to them. He looked for a project that would help demonstrate the health impacts of living in a community that is surrounded by hog operations.

29. Together, in 2005, the EJ Network and Steve's research team from the University of North Carolina began a project called the Community Health Effects of Industrial Hog Operations ("CHEIHO").

30. CHEIHO brought together community members and research scientists to study how industrial hog operations affected community members. I recruited members of the community to participate in the study. Each study participant attended a three-hour training session where we explained what would be expected. We explained that we were looking to understand how they reacted to hog operations. Community members were given a journal and blood pressure

and breathing machines. We also tested people's ability to perceive odor, and recorded that information.

31. We asked the participants to sit outside their home for 10 minutes two times a day, at times of their own choosing. The participants were given a timer to make sure that they were only outside for ten minutes. While sitting outside, the participants would rate the odor on a scale from 1 to 8, with 8 being the strongest. We also asked that the participants to answer questions in a journal that we provided about the symptoms they were experiencing, like whether they had runny nose or runny eyes or were coughing, and to record how they were feeling emotionally, like whether they were stressed or angry or neutral. After the 10 minutes was up, we asked that the participants to take their blood pressure and print out the results to be placed in the journal. We also asked them to breathe into a peak flow meter that tested lung capacity. Finally, we asked the participants take a sample of their saliva, which they would place in a tube that we provided to be stored in the freezer.

32. We also placed processing equipment throughout the community. The equipment monitored particulate matter, capturing fine particles in the air. The student researchers from UNC would download the results from the monitoring equipment on a weekly basis. Every few weeks, the students would also collect the saliva samples to be analyzed.

33. We studied at least 10 people at a time, for two weeks. At the end of the two weeks, we would move on to another group. The study lasted for four years.

34. The study has been very helpful in showing how industrial hog operations affect people. When people said it stunk, the equipment correlated with their responses. The machines would show high measurements of hydrogen sulfide.

### **The EJ Network's Advocacy Against Industrial Hog Operations**

35. In addition to community education and research, the EJ Network has organized community action events, including rallies in Raleigh. We held our first rally in July 2007 in response to proposals to lift the moratorium prohibiting new hog operations in the state. The rally was a collaboration with other groups, including Riverkeepers, the Waterkeeper Alliance, and the Environmental Defense Fund.

36. We went to Raleigh seeking three things. First, we wanted to see the moratorium, which was set to expire in 2007, extended. Second, we asked for a deadline to get rid of the lagoon and sprayfield system and install clean technologies, like those that Ex. 6 - Personal Privacy identified in the Smithfield study. Finally, we wanted the state to establish a fund that would help contract growers afford to install the clean technologies. We viewed this last request as a



compromise. We thought that the Smithfields and others who brought industrial hog farming to North Carolina should be responsible for the pollution it created, but we were willing to compromise to bring about change.

37. We had busloads of people come to Raleigh to support the rally and meet with elected officials. Many of our members did not know that they had a right to go to Raleigh and address the legislature and tell them about their needs. They were captivated by the fact that they had the right to demand better for themselves.

38. The center of our trip was a 51-hour vigil. Three hours of our vigil were for the Governor. We also kept vigil for the entire time that the legislature was in session, another 48 hours. During our vigil, we showed a documentary that we had made specifically to show the legislators about how the hog industry affected people in communities. The documentary is called "The Rest of the Story: Corporate Hog Farming in North Carolina." We made 170 copies of a DVD containing the documentary, one for each of the legislators. As the name suggests, "The Rest of the Story" tells the other side of the hog farming story. It documents particular people's experience with pollution from hog operations. We wanted to provide the elected officials with information about how hog operations prevented people from enjoying their property and made them sick to encourage those elected officials to enact policies that would protect communities against the

hog industry. A DVD containing a true and accurate copy of "The Rest of the Story" is attached as Exhibit 1.

39. We also set up a mock hog farm, complete with mini hog houses and two baby swimming pools that we filled with hog waste that we brought with us from Duplin County, right in the middle of Halifax Mall. During our vigil, a facilities manager came over and demanded to know who told us to bring the hog waste to Raleigh. We told him that no one told us to bring the hog waste, but no one told us not to. He seemed mad at this response, and told us that if we spilled one drop of the toxic waste, we would be fined thousands of dollars. He said that the state would have to bring in a haz-mat crew to help with clean up. But we were confused. We told him that when we loaded up in Duplin County, we were told that the hog waste was organic fertilizer. We asked how trucking the waste 40 miles to Raleigh transformed organic fertilizer into toxic waste.

40. The following year, in 2008, the EJ Network organized another 51 hour vigil in Raleigh, which we called the Clean Air Vigil. The Clean Air Vigil was a massive birthday party that we held for the children in our community who, because of the poor air quality from the hog operations near where they lived, were not able to celebrate their birthdays with fun and games outside. We brought around 100 children, between the ages of 6 and 15, to enjoy being outside. The party was complete with balloons, hot dogs, and chips. When people would ask us

why we were in Raleigh having a picnic, we told them that we can't do this at home. We told them that where we come from the air is not clean and clear and our children aren't able to enjoy playing outside.

41. We had a permit for the Clean Air Vigil. At first, our application was processed without any problems. But, soon after the permit was issued, the office that had issued it called up the EJ Network offices and told us that they had to revoke our permit and reissue it. The reissued permit said "no hog waste."

42. We didn't bring a mini hog farm with us in 2008, but we did bring a gallon of hog waste. We took the hog waste to the Governor's mansion to give to him as a present. When we got to the mansion, we were told the Governor was not in and were asked to leave, so we went to the Governor's office. We were able to leave the hog waste and a letter that we crafted at night during our vigil with the Governor's secretary. The letter told the Governor that the waste was a gift from the community. We told him to put the waste on the lawn and to let us know how long it took for the odor to go away.

43. In addition to organizing vigils and rallies, the EJ Network joins other community action events in Raleigh, including Moral Mondays. Moral Mondays were brought to life in 2013 by the president of the National Association for the Advancement of Colored People ("NAACP"), Ex. 6 - Personal Privacy On Mondays when the legislature is in session, we gather to oppose decisions that we believe will

harm disadvantaged people. The Moral Mondays started out small, but within the matter of a few Mondays, we had thousands of people in attendance.

44. One Moral Monday last year opposed environmental cutbacks. The former director of the EJ Network, Ex. 6 - Personal Privacy and I both spoke at the environmental Moral Monday on behalf of the EJ Network.

45. During the Moral Mondays, we gather in the rotunda of the administrative building to sing and make speeches. Last year, more than 900 people, including Ex. 6 - Personal Privacy and myself, were arrested during the Moral Mondays.

46. Every October since 1998, except for one year, the EJ Network also holds an environmental justice summit. We bring together members of the community, researchers, and attorneys to talk about environmental issues that impact the community. We wanted to have a forum where we could bring communities together to hear from each other and to understand that the issues facing them were not unique. We wanted people to see that there were problems that were larger than themselves, systemic problems that we could only address by working together. We wanted to bring people out of isolation, and to encourage them to work together as a network. Throughout the years, we have focused the problems associated with industrial agriculture, landfills, workers rights, energy, and Title VI as a tool for communities.

47. We always begin the summit with research presentations designed to inform the community about issues they are facing. For research projects, like CHEIHO, that are collaborations with the community, the community and the researchers will present together.

48. Another important panel that we always have at the summit is the Government Listening and Community Speak Out panel. A representative from the North Carolina Department of Environment and Natural Resources ("DENR") has attended every summit and has had the opportunity to learn more about the community's concerns about inadequate environmental protections.

49. Every year, we have a keynote speaker. In 2012, Gwendolyn Keyes Fleming, then the Director of Region 4 of the United States Environmental Protection Agency came to speak.

50. The government, including DENR, has been well-informed about how industrial hog operations impact communities. DENR has participated in the Government Listening and Community Speak Out panel at every single Summit. We have taken representatives of DENR on tours of Duplin County. Representatives of DENR have sat in on meetings at the REACH office in Warsaw where scientists have presented their research about how children with asthma suffer because of the pollution from hog factory farms.

### My Work with the EJ Network

51. **Ex. 6 - Personal Privacy** was working in eastern North Carolina helping communities as they recovered from Hurricane Floyd. When Hurricane Floyd hit the state, it brought massive floods, breaking 500 year floodplains. I went into communities that were impacted by the flooding and fought for their right to return to the homes. At the time, **Ex. 6 - Personal Privacy** **Ex. 6 - Personal Privacy** Together with other environmental justice groups, including Concerned Citizens of Tillery and the EJ Network, we worked together to organize the flood survivors.

52. The flood recovery process was very discriminatory. Some of the communities that were the most affected were offered shelter space built on a landfill that had not been properly closed. To make matters worse, the landfills had accepted coal ash waste. The year of the flood, the EJ network held a meeting focused on helping flood survivors. The meeting shed light on the fact that the victims weren't just suffering because of the flood. There was a systemic problem where marginalized communities were hardest hit because they were forced to live in communities that were already suffering from dirty industry. People were feeling isolated so the best way to address the problem was to bring them together for a meeting.

53. At the meeting, I learned that the EJ Network was looking for an organizer. Ex. 6 - Personal Privacy recommended me for the position, and I have been an organizer with the EJ Network ever since.

54. **Ex. 6 - Personal Privacy** I go out into the community, listen to their problems, and report back to the EJ Network Board. Community concerns inform our planning; when I report back on community concerns, we think about what resources we have to help change conditions in the community.

55. Usually, when a community seeks our help, we will ask them to host us at a community meeting. At the meeting, we provide an environmental justice education session in which we discuss the history of environmental justice and the importance of being organized. Our Board also shares its expertise, for example offering advice on the importance of documenting the environmental harm and legal avenues to address the harm. We also share environmental justice success stories.

56. My work with the EJ Network takes me into communities that are burdened by industrial hog operations. In these communities, the odor is often really foul. Some days, the odor is worse than others. When the operations are spraying, the odor is just terrible.

57. I have focused on Duplin, Sampson, and Bladen Counties, and have also worked in Northampton, Greene, and Pender Counties. Duplin and Sampson Counties have the most hog operations of any county in the state, but the other counties have their share as well. A map of showing the hog operations operating under North Carolina's general permit in Duplin, Sampson, Bladen, Northampton, Greene, and Pender Counties is attached as Exhibit 2.

58. The people I have met are not just affected by the hog operations. Though not shown on the map attached as Exhibit 2, these counties, including Duplin County, also have a lot of industrial poultry facilities. People have complained that the poultry waste also stinks. Poultry facilities often have dry manure that they call litter. People are concerned that the dry litter will blow over to their property, just like the hog waste. People in these communities are overburdened by all types of industrial agriculture.

59. I have met many people who have been burdened by industrial hog operations. People in these counties tell me that they. I have heard many moving stories about how people have been affected.

60. One of the most moving stories I have heard was from Ex. 6 - Personal Privacy who is featured in the documentary "The Rest of the Story." Ex. 6 - Personal Privacy tells a powerful story about how the hog industry came onto her family's land, took over their property, and sprayed them with waste. The hog farmer intimidated Elsie and her



family when they attempted to fight back, even coming onto her property with a loaded gun to threaten Ex. 6 - Personal Privacy elderly mother. Her account of the lack of respect the industry shows the community tells another side of the story of the impact of hog farms.

61. I also heard from a minister about how she was affected. The minister lived in Northampton County, an area where there were a lot of hog operations. She told me that one day she was at church, preaching from the pulpit, and she smelled this terrible smell. She couldn't figure out what it was and then, all of the sudden, she realized that the smell was her. Her clothes smelled of hog waste. When she realized that the smell was coming from her, she was so embarrassed. She told me that she ran from the pulpit and out of the church because she was completely embarrassed. This story highlights how the hog industry can take away people's dignity.

62. Another moving story that I have heard is about how working in a hog rendering facility destroyed a person's health. In my organizing, I met a man who lived around the hogs and already had been upset about the odor. He also worked in a hog rendering plant, which is a place where the grind up the dead animals. He had worked in the plant for 6 years in maintenance. One day, the plant had a problem in the upstairs area. The man had to walk upstairs to address the problem. He was wearing his hydrogen sulfide monitor, and it went off while he was up

there. The monitor showed that the hydrogen sulfide levels had reached 90 parts per billion, a very dangerous level. The man passed out and was taken to the hospital. The hydrogen sulfide causes neurological problems. After the accident he could barely stand. He had to learn how to walk again. He has two children and a wife. His wife told me that her husband is not doing well. His illness and trouble recovering is ruining his life and their marriage, and affecting their children.

63.

**Ex. 6 - Personal Privacy**

Kellogg Foundation Program for postdoctoral students studying health disparities.

**Ex. 6 - Personal Privacy**

who were researching environmental health problems that affected communities.

**Ex. 6 - Personal Privacy**

three students. The first was researching systemic problems with the recovery process following Hurricane

Floyd. The second student was researching how life in communities in North

Carolina had changed since the arrival of industrial agriculture. The final student I

mentored was researching the impact that industrial agriculture had on water

quality.

**Ex. 6 - Personal Privacy****Ex. 6 - Personal Privacy**

In the last project, I

helped the student go into the community and figure out the best place to collect water samples.

64. Since meeting **Ex. 6 - Personal Privacy** I have worked closely with his students, who are studying epidemiology, to educate them about environmental problems that are affecting community health and welfare. **Ex. 6 - Personal Privacy** and I work together on an 8-week class where we invite members of the community to come and speak about their experiences with environmental issues, like living near industrial hog operations. **Ex. 6 - Personal Privacy** and I decided to offer this class 14 years ago. Some of his students had attended the annual Environmental Justice Summit and came back energized. The students were captivated by the stories they heard about how people in North Carolina were affected by dirty industry and they demanded more access to the community to inform their work to promote public welfare. **Ex. 6 - Personal Privacy** decided that we should offer a class. I bring in people from the community to share their experience living near dirty industries. Many people from the community have never spoken to a classroom full of university students. It is another opportunity for them. It helps empower them to demand better.

65. Over time, as **Ex. 6 - Personal Privacy** the EJ Network, I have seen a change. People are more vocal than they were when I first went into communities. The industry and even elected officials were so intimidating, and people were often afraid to speak up. But as people became more informed about their rights and about principles of environmental justice they were more willing to talk. More people understand that one person should not be able to use his land in

a way that harms others. As people are starting to understand their rights, I can see their fear begin to fade away.

66. We have more work to do to stop industrial hog operations to stop polluting communities, but we are making progress.

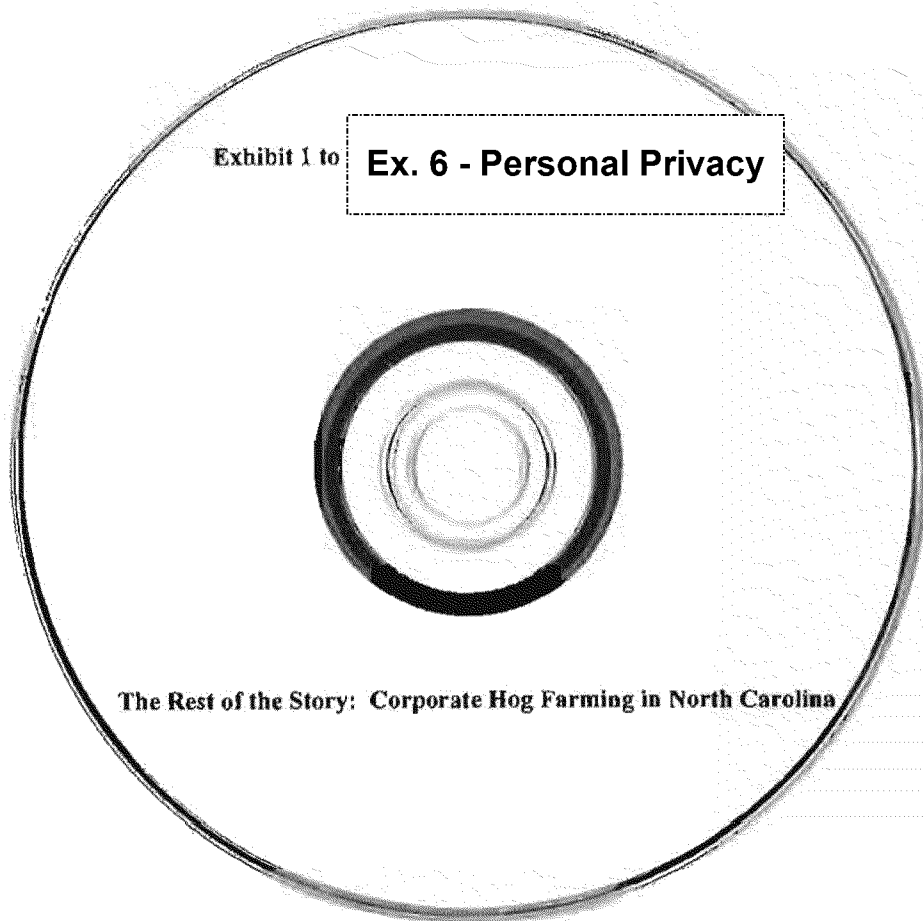
I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

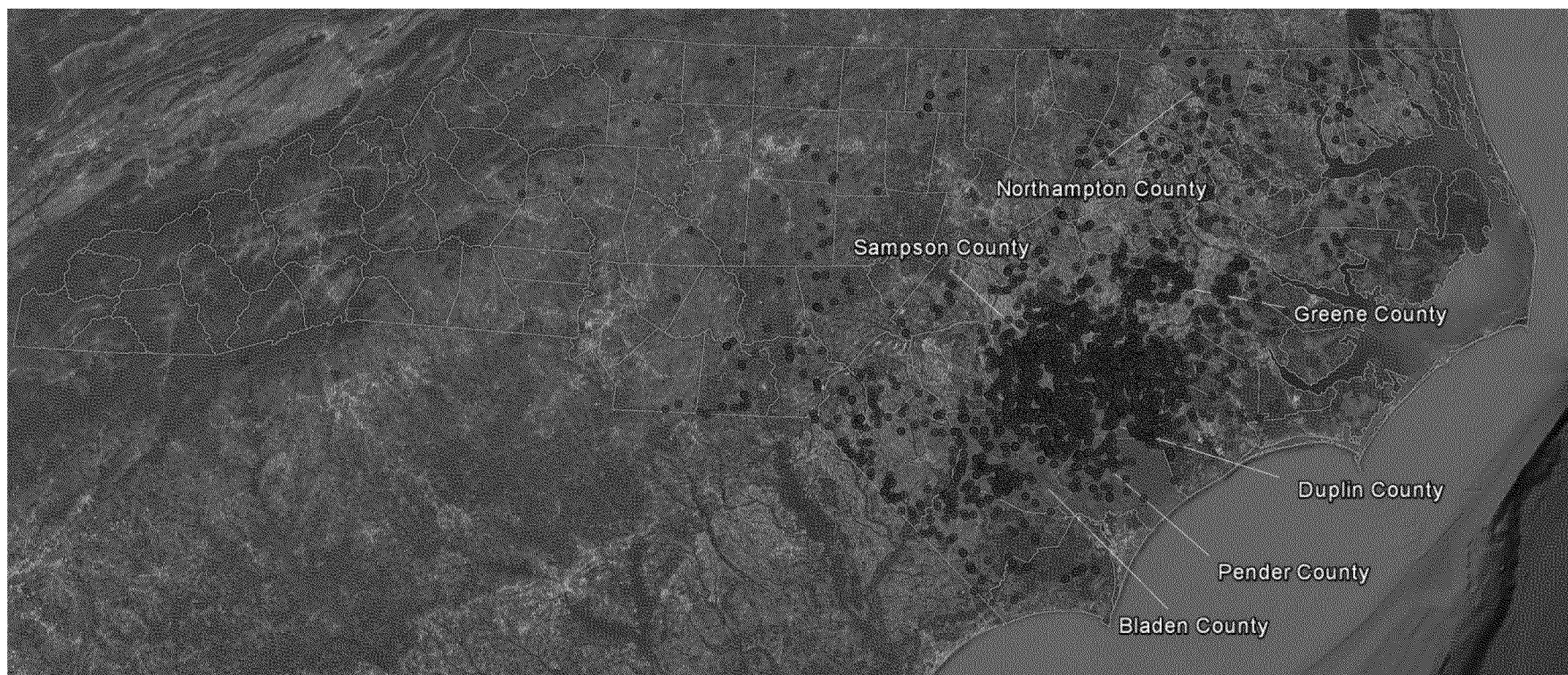
Executed in Ex. 6 - Personal Privacy North Carolina on August 29 2014

**Ex. 6 - Personal Privacy**

# Exhibit 1

DVD copy of documentary entitled  
"The Rest of the Story: Corporate Hog Farming in North Carolina"



**EXHIBIT 2**

**NOTE:** Map shows locations of swine facilities operating under the General Permit, as indicated in NCDENR's spreadsheet of permitted animal facilities, updated January 10, 2014.

# **Exhibit 31**

**DECLARATION OF Ex. 6 - Personal Privacy**

1. My name is Ex. 6 - Personal Privacy I am of legal age and competent to give this declaration. All of the information herein is based on my own personal knowledge unless otherwise stated.

**Background**

2. I am African-American. I live at Ex. 6 - Personal Privacy Duplin County, North Carolina. I am Ex. 6 - Personal Privacy years old. This property is owned by my family.

3. I live near several hog houses. There is a hog house a mile from my house and another on the other side of my house.

4. I've been living near hog houses since they were built near my home nearly 20 years ago.

**Experience Living Near the Hog Facilities**

5. I am concerned about the hog facilities because it seems like I can smell the odor almost everywhere I go.

6. The hog facilities make it more difficult for me to breath. I believe that the hog facilities cause me to sneeze and my nose to stop up. I have a brother who lives next door to me who can hardly breathe. He has asthma. He's had this issue for about twenty years, so about the same time that the hog facilities have been nearby.



7. The hog facilities have a very bad smell. They attract flies and the flies cover up my car port. I can't cook outside because of the smell and because of the flies. The odor is worse than anything anyone would ever want to inhale.

8. I have had these concerns about the odor, the flies and my families' well-being ever since the hog facilities were built—that's been about twenty years.

9. The hog facilities affect the whole community because of the odor. People in the community have the same problem as I have; they can't have cookouts or spend much time outdoors without flies and odor.

#### **Activism around the Hog Facilities**

10. If I could change the practices at these hog facilities, I would change the way the hog farmers spread the waste out in the fields. Everyone can smell it if they're close by. I think the hog farmers should do it a different way.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Executed in Ex. 6 - Personal Privacy North Carolina on August 30, 2014.

Signed Ex. 6 - Personal Privacy

Address:

**Ex. 6 - Personal Privacy**

Addressee:

**Ex. 6 - Personal Privacy**

Map radius: Approximately 1 mile

Source:

Google Maps

**Ex. 6 - Personal Privacy**

## **Exhibit 32**

**DECLARATION OF** **Ex. 6 - Personal Privacy**

1. My name is **Ex. 6 - Personal Privacy** I am of legal age and competent to give this declaration. All of the information in this declaration is based on my own personal knowledge unless otherwise indicated.

**Background**

2. I am African-American. I live at **Ex. 6 - Personal Privacy** Duplin County, North Carolina. (See Attached Map). I've lived here for ten years. I am **Ex. 6 - Personal Privacy** years of age.

3. The closest animal operations are about one and a half miles away. I also know that there are farms in **Ex. 6 - Personal Privacy** which is about five miles from here.

4. Before I moved to **Ex. 6 - Personal Privacy** I lived on **Ex. 6 - Personal Privacy** **Ex. 6 - Personal Privacy** I owned the home. There were hog farms near my home there.

5. I have returned to work **Ex. 6 - Personal Privacy**

**Ex. 6 - Personal Privacy**

**Ex. 6 - Personal Privacy** I see the hog farms all along the way. They're everywhere.

### Experience with Hog Facilities

6. I Ex. 6 - Personal Privacy children: Ex. 6 - Personal Privacy

7. I raised my family on Ex. 6 - Personal Privacy near hog farms. I think my son was affected by living next to the hog farms. He had a lot of health problems and it affected his schoolwork. I had to drive him back and forth to the doctor in Wilmington a lot of the time.

8. I noticed the hog and chicken farms when I lived at Ex. 6 - Personal Privacy in Ex. 6 - Personal Privacy. They would spray in the afternoon. When they sprayed, the smell would last for about three or four days. They would spray the chicken waste in the fields right across the street. It was terrible.

9. When they sprayed the hog waste, I could smell the waste. I could smell the dead hogs on the trucks that passed by, and I could smell the fluid they left on the road. I could smell it from miles away.

10. My children played outside a lot when I lived on Ex. 6 - Personal Privacy. They didn't like that smell at all. When they smelled it, they came back inside.

11. I liked to dry my clothes outside, but when it smelled outside, I had to take my clothes to a laundromat.

12. My family and I drank from a well when we lived on Ex. 6 - Personal Privacy. It tasted bad, like rotten eggs. I think the hog farms made the water taste bad.

13. I've had allergies my entire life. Sometimes my [Ex. 6 - Personal Privacy] are worse than other times. My [Ex. 6 - Personal Privacy] are much worse in the winter. Because of my

**Ex. 6 - Personal Privacy** Sometimes my [Ex. 6 - Personal Privacy] I think the hog farms could be contributing to my [Ex. 6 - Personal Privacy]

14. My main concern about the hog farms is the smell. It gets in my hair and it gets on my clothes. Other people can smell it on you. It's a terrible smell. It makes me sick. I smell it when I'm driving. Even when I roll up my windows, the smell still comes in my car.

15. My [Ex. 6 - Personal Privacy] live in [Ex. 6 - Personal Privacy] near me. Where I live, we don't smell it very much so it doesn't affect them as much when they play outside. They're more affected by the smell when their parents take them to play at other places around here.

16. I go to church at **Ex. 6 - Personal Privacy**. We can smell it at the church when they spray. Most of our activities are inside the church. We don't have activities outside because we don't like to have to go back inside if they spray.

17. My brothers who like to go fishing can't go fishing anymore because there's green stuff that grows in the water. I think the green stuff could be growing there because of the waste from the hog farms.

18. The hog farms affect our community because we can't have cookouts because of the smell and the flies. The smell and the flies are terrible so we can't spend time outside.

**Desire to Change the Industrial Hog Farm System**

19. I attend the Rural Empowerment Association for Community Help (REACH) meetings. I've been attending for about two years. It's very interesting and they're very serious about stopping how hog farms harm people. They have speakers from Raleigh and other different places. I try to attend all the REACH meetings.

20. I have a concern about the water we drink and the way the air smells. I am concerned about the health of the food we eat.

21. I don't think it's fair that we have to live in these conditions.

22. I feel like the hog farms are a civil rights issue. They don't put the hog farms where white people live — why are they only putting the hog farms where black people live? I don't think what they're doing is right. They're not being fair about it.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Executed in Ex. 6 - Personal Privacy North Carolina on August 30, 2014

Signed

**Ex. 6 - Personal Privacy**



Address: **Ex. 6 - Personal Privacy**

Addressee: **Ex. 6 - Personal Privacy**

Map radius: Approximately 1.5 miles

Source: Google Maps

**Ex. 6 - Personal Privacy**

## **Exhibit 33**

**DECLARATION OF Ex. 6 - Personal Privacy**

1. My name is Ex. 6 - Personal Privacy I am of legal age and competent to give this declaration. All of the information herein is based on my own personal knowledge unless otherwise indicated.

**Background**

2. I live at Ex. 6 - Personal Privacy Duplin County, North Carolina. (See Attached Map). I am Ex. 6 - Personal Privacy years old. I live here with my mother, Ex. 6 - Personal Privacy She's Ex. 6 - Personal Privacy years old and will be Ex. 6 - Personal Privacy on Ex. 6 - Personal Privacy I have lived at this address, on and off, for Ex. 6 - Personal Privacy years out of my Ex. 6 - Personal Privacy years.

3. The nearest hog farm from here is about half a mile away.

4. I also lived at Ex. 6 - Personal Privacy there were hog farms near there as well. I lived at that address for ten years. The closest hog farm to that location was a half-mile away.

5. I am a Ex. 6 - Personal Privacy hours a week. I travel from one place to another for my work and I encounter hog farms when I travel.

**Experience Living Next to the Hog Farm**

6. I have health conditions related to hog farms. When the fields are being sprayed, my Ex. 6 - Personal Privacy act up. I get sick to my stomach and throw

up. When the smell starts, I have to turn on the air conditioning, keep the windows up, and I can't hang my clothes outside. It's an awful smell. The smell stays around for four to five days when it's raining. I try not to go out when it's like this, but I have to because I have to go to work.

7. I have talked to my family and friends about how I feel about the spraying. I tell my mother that I can't stand this smell. I have to shut myself into the house because every time I come outside, it makes me want to throw up.

8. I have concerns about air quality. I think that the air we breathe, which is polluted from the hog farms, could cause health problems and we would not know until later that it caused our health problems. I am concerned for the children in my family. I worry about Ex. 6 - Personal Privacy One is Ex. 6 - Personal Privacy old and the other is Ex. 6 - Personal Privacy I feel like their health is at risk because they are exposed to hog farms. One lives in town, in Ex. 6 - Personal Privacy and the other lives in Ex. 6 - Personal Privacy They come to visit occasionally.

9. We have concerns about the property value. I think it would be difficult for my mother to sell the house because of the problems from the hog farms and the chicken farms.

10. The chicken houses are really bad. There is one that is very close to the house—we can see it from our window. The chicken houses smell bad because of the chicken litter piled up. They gather it up in the truck and they go out and

spray it up and down in the fields. You know when they're spraying it over the fields because everything is going in your nose if you have your window down. They spray it when it's still dry so it ends up blowing in your house, in your car, on your clothes, and in your nose. I stopped drying my clothes outside and now I have to spend money to dry my clothes. I have to spend money to spray my house because of the odor. I have to spend more money keeping the air conditioner on so I don't have to smell that bad smell.

11. I only dry my clothes out on the line in the winter because the smell isn't as bad from the hogs and the chickens. It's still there in the winter time, but it's not as bad because they're not producing as much. In the spring, the summer, and the fall, it just stinks—the smell from the hog and chicken farms is sickening. In the summertime, there's more heat and the wind blows and it carries the smell.

12. In the summer, the smell from the hog farms affects how much time we spend outside. We'd like to have cookouts or play outside with my grandkids, but when they start spraying my grandson will say, "It stinks out there. I'm ready to go home." We have to find somewhere to take him so he can play or we have to go inside. We would have to go somewhere like Jacksonville or we'd have to spend money to do activities inside to keep him from breathing that bad air.

13. The smell is much worse than it used to be because it seems like they're spraying hog waste and spreading more chicken waste than they used to.

14. I've lived here most of my life and it didn't use to be this bad. The Black farmers used to have their hog pens and their hog pastures far away in the woods. Now these new farmers have them right next to the road where everyone can see them—and smell them. I started to notice the hog farms being closer to where we lived about ten years ago. I started noticing the spraying when I started smelling it. This was when my husband and I moved back from Jacksonville, ten years ago.

15. The only time I can go outside is when I go within the city limits. Then I can go outside and go to a cookout with family or friends. We can't have cookouts around here because we have to wait three or four days after they spray. We don't know when they're going to spray, but we do know that we have to wait that long before we can do anything because the smell is unbearable. We can't have cookouts when the smell is bad because of the flies. The flies are really bad for those three days after they spray. They cover the windows and we have to make sure we shut the door and there aren't any holes in the screen door because the flies will come in. It's a nuisance to deal with the smell, the flies, and the throwing up, because the smell is so sickening. We can't sit out on our porch and laugh and talk with family.

**Advocacy Against Industrial Hog Farms**

16. I have never tried to advocate with others to make this situation better. I'm going to start going to Rural Empowerment Association for Community Help (REACH) meetings in Warsaw. They advocate to make life better for people that live around hog farms.

17. I'm worried about my Ex. 6 - Personal Privacy because their immunity may not be as strong as ours is. They could get sicker than me from the hog farms.

18. I wish that they could control the smell. I would like to go back to my normal life and live comfortably.

19. I believe that industrial hog farming is a civil rights issue. The farms are located in Black neighborhoods and poor areas.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Executed in

Ex. 6 - Personal Privacy

North Carolina on August 30, 2014

Signed

**Ex. 6 - Personal Privacy**

Address:

**Ex. 6 - Personal Privacy**

Addressee:

**Ex. 6 - Personal Privacy**

Map radius: Approximately 1 mile

Source:

Google Maps

**Ex. 6 - Personal Privacy**



## **Exhibit 34**

**DECLARATION OF Ex. 6 - Personal Privacy**

1. My name is Ex. 6 - Personal Privacy I am of legal age and competent to give this declaration. All of the information in this declaration is based on my own personal knowledge unless otherwise indicated.

**Background**

2. I live at Ex. 6 - Personal Privacy Duplin County, North Carolina. (See Attached Map). I own my home and I have lived there for six years. Before I moved back to Ex. 6 - Personal Privacy which is where I'm from originally, I lived in Ex. 6 - Personal Privacy

3. I am African-American. I am Ex. 6 - Personal Privacy years old. I retired from Ex. 6 - Personal Privacy and spend a lot of my time at home.

4. The nearest hog farm from my home is about half a mile away, right across the field.

5. I talk with neighbors about that hog farm and how it smells—and what we could do about it. I attend the Rural Empowerment Association for Community Help (REACH) meetings to learn about what's happening and to find out if there is anything that we can do about it.

6. I enjoy hunting. Every year I hunt from October to New Year's. I have a hunting dog. When I go hunting, I am about 50 feet from the hog farm that is closest to where I live. It smells even worse when I am so close to it.

7. I have well water but I don't drink it—it's polluted. If it rains a lot, I can smell the hog waste in my well water, so I don't drink it. In 2009, I had my well water tested and I was told that it was not safe to drink. At that point, I decided to buy water. I spend about \$10 a week on bottled water. I spend \$5 dollars on a case and I buy two cases every week.

8. Because of the smell from the hog farms, I rarely go outside. The rain brings the smell around. I used to smell it every day depending on how the wind was blowing.

9. I can't keep the windows open in my home because of the smell from the hog farms. I can also smell the hog farms at the senior citizen building that I go to in Ex. 6 - Personal Privacy on Ex. 6 - Personal Privacy. There's a hog farm about a mile away from there. Between the chicken farms and the hog farms, it smells really bad.

10. I wish they would change how they spray the waste and how they maintain the open lagoons. I wish they'd close the hog farms.

11. African-Americans are more affected by the hog farms because the hog facilities are located in the Black people's communities.

12. I never expected to face the problems from the hog farms when I moved back from Ex. 6 - Personal Privacy to North Carolina. When I moved away there weren't big hog farms like this. Now that I've come back home, the area is surrounded by them.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Executed **Ex. 6 - Personal Privacy** in Carolina on August 30, 2014

Signed **Ex. 6 - Personal Privacy** \_\_\_\_\_

Address: **Ex. 6 - Personal Privacy** NC 28249

Addressee: **Ex. 6 - Personal Privacy**

Map radius: Approximately 1 mile

Source: Google Maps

**Ex. 6 - Personal Privacy**

## **Exhibit 35**

**DECLARATION OF Ex. 6 - Personal Privacy**

1. My name is Ex. 6 - Personal Privacy I am of legal age and competent to give this declaration. All of the information herein is based on my personal knowledge unless otherwise indicated.

**Background**

2. I am a Ex. 6 - Personal Privacy old African American woman.

3. I live at Ex. 6 - Personal Privacy North Carolina. I live with my Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy and my Ex. 6 - Personal Privacy

lived here for Ex. 6 - Personal Privacy years. I own the land and my home.

4. I grew up in North Carolina and have lived in this area all of my life.

**Experience Living Near Hog Facilities**

5. There are at least one hog facility and two sprayfields very close to my home. The hog houses are across the street from my home. There is a sprayfield across the street and another in the woods behind my home.

6. A map showing my house and the surrounding hog facility and sprayfields is attached as Exhibit 1. Maps showing the many hog facilities near my house are attached as Exhibits 2-3.

7. My Ex. 6 - Personal Privacy was born early. She was about Ex. 6 - Personal Privacy was born. She has Ex. 6 - Personal Privacy Her Ex. 6 - Personal Privacy are very bad and she has bad Ex. 6 - Personal Privacy If she's around a hog facility, I can tell it is having an impact.

8. The odor from the hog facilities in this area is bad. The facility near me sprays two to three times a week. When I see the irrigation pump, I can smell the scent of hog waste. The more the pump moves down the road, away from us, the better off we are.

9. I don't want to cook when they are spraying, even inside my house. The scent is so bad that I don't want to cook and eat.

10. My Ex. 6 - Personal Privacy likes to be outside, but I don't want her outside when it smells. I am afraid that it is not healthy for her to be exposed to the smell from the hog facilities.

11. Sometimes, when I drive in my car, like when I am taking my daughter to her school, the hog waste will fall on the windshield as I pass by the sprayfields.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Executed Ex. 6 - Personal Privacy North Carolina on 8/23/2014

**Ex. 6 - Personal Privacy**



## **EXHIBIT 1**

# **Ex. 6 - Personal Privacy**

## **EXHIBIT 2**

# **Ex. 6 - Personal Privacy**

### EXHIBIT 3

# Ex. 6 - Personal Privacy

**NOTE:** Map shows locations of swine facilities operating under the General Permit, as indicated in NCDENR's spreadsheet of permitted animal facilities, updated January 10, 2014. Circle shows permitted swine facilities within a 3 mile radius of Sandra's home, as calculated by Google Earth Pro.

## **Exhibit 36**

**DECLARATION OF** **Ex. 6 - Personal Privacy**

1. My name is **Ex. 6 - Personal Privacy** I am of legal age and competent to give this declaration. All of the information in this declaration is based on my own personal knowledge unless otherwise indicated.

**Background**

2. I am African-American. I am a member of the Rural Empowerment Association for Community Help, also known as REACH. I joined REACH in the fall of 2005 when I got involved with REACH's Duplin Environmental Health Awareness Project. Since November 2005, REACH has held monthly planning meetings for the Duplin Environmental Health Awareness Project. I decided to attend the meetings to learn about environmental health issues in my area, and to see if I could do something about the terrible smell from the industrial hog operations in the neighborhood. I also help cook and serve meals for the meetings. I have continued to attend the planning meetings from the beginning, whenever I can.

3. I live at **Ex. 6 - Personal Privacy** Duplin County, North Carolina. (See Attached Map). I live with my **Ex. 6 - Personal Privacy** I have lived here for more than **Ex. 6 - Personal Privacy** years, and **Ex. 6 - Personal Privacy** own our home. There are several farms within a half mile of my home.

### Problems living near Industrial Hog Farms

4. Since the day we moved in, we noticed the smell from the industrial hog operations. The closest hog facility to my house is less than a mile away.

Within four miles, there are other large operations.

5. I think the smell comes from the facilities that are on the other side of Ex. 6 - Personal Privacy from my house. I can smell the hog waste while I'm driving to-and-from my home. Even if I have the windows up and the air conditioning or heating is off, the smell is intolerable.

6. The lagoons make the air smell terrible. It's much worse when the facilities scrape the bottom of the lagoons—I see it when they spray it in the fields and it looks blue. The smell is much stronger.

7. I can often see the spray when it's released. The sprayer shoots a stream of liquid in the air. The hog facility that is close by has a big operation. I can tell this because his lagoon is located right in front of his hog house, while most of them are behind the hog houses. This makes the smell stronger than the other hog facilities.

8. My wife and I don't hang out laundry to dry because we don't want the scent of the hog waste to get in the clothes. We keep the windows closed to

keep out the smell, but even with the windows closed, the smell gets in the house. I'd like to have the windows open on nice days, but the smell is too unbearable. We also don't cookout very much either, because we don't want to be outside. Even if I keep the windows closed, the smell gets in my house.

9. We never know what days the smell is going to be at its worst. If the wind is blowing west-to-east, we are directly affected by it, but if the wind is blowing north-to-south, it won't affect us as much. We have noticed, however, that it smells worse right before it rains.

10. I like to garden. I plant all kinds of vegetables, including potatoes, onions, collards, turnips, and butter beans. But I can't spend as much time outside gardening as I'd like. Sometimes, when the wind is just right (blowing west-to-east), the smell from the hog facilities hits me and I have to go inside.

11. About 15 years ago, Duplin County officials came by our place and put us on a metered well. When we had the well, the water would often overflow. Water would bubble up out of the ground all day long because the ground was so saturated. We live right over a spring running under our house so if you were to put a hole in the ground, you'd get water coming out of it.

12. In 1999, Hurricane Floyd came through and the area flooded. After the flood, officials hooked us up to city water. During the flood, all the water came out of the lagoons and the spill over-contaminated the wells. There was talk about

it in town. That's when county officials hooked us up to the city water supply. Even after Hurricane Floyd however, some people are still using their well water. I wanted to be hooked up to city water. I knew that sooner or later, the wells were going to get contaminated. Where my wife and I live now, we have well water access, but the county officials don't want us to drink it— they won't tell us why.

13. I enjoy spending time outdoors. I fish and hunt in the woods near where I live both for sport and for food for my family.

14. I used to enjoy fishing in **Ex. 6 - Personal Privacy** near where the Creek flows beneath **Ex. 6 - Personal Privacy**. There are industrial hog facilities all along **Ex. 6 - Personal Privacy**. I used to fish in **Ex. 6 - Personal Privacy** every week in the springtime. I used to catch pike, bass, perch, and blue gills. Then one day a few years ago, when I was fishing in **Ex. 6 - Personal Privacy** I saw a dead hog caught in some of the bushes in the water. I was shocked and upset, and became concerned about water quality. Then I noticed that the water looked dirty and there was white foam on the surface. Then I remembered that I had caught fish here with sores on them. I had thought that the fish might have been bitten by other fish, but from talking with others at REACH, I now know that the fish were likely affected by lagoon wastewater runoff. After seeing the dead hog in the water, I decided I would never fish in **Ex. 6 - Personal Privacy** again.



15. I also don't fish in the Cape Fear River anymore because the polluted creeks run into the river. I am concerned that there is hog waste contaminating the river so I stopped fishing here. I've also seen dead hogs in the river, which I know must contribute to the poor water quality.

16. I also used to enjoy hunting near **Ex. 6 - Personal Privacy** close to where the Creek passes beneath **Ex. 6 - Personal Privacy**. I used to catch squirrels, deer, and raccoons. But, when I saw a dead hog in **Ex. 6 - Personal Privacy** and realized how dirty the water was, I understood that the animals I hunted might also be sick and unsafe to eat. From that day forward, I decided I would stop hunting near the Creek. If I hunt anywhere else, I have to wear a mask because of the smell.

### Health Issues

17. I have some health problems that I think might be affected by the hog facilities. In the early 1990s, I was **Ex. 6 - Personal Privacy**

**Ex. 6 - Personal Privacy** While I was in the hospital, my **Ex. 6 - Personal Privacy** I'm worried about my

**Ex. 6 - Personal Privacy** I've been coughing on and off for the past three years, and I'm worried that my **Ex. 6 - Personal Privacy** again. Sometimes my coughing keeps me up at night. I cough more when the smell from the hog operations is at its worst.

18. I also have **Ex. 6 - Personal Privacy** I've been taking medicine for my

**Ex. 6 - Personal Privacy**. I understand that living near hog facilities can increase my **Ex. 6 - Personal Privacy** and this worries me.

19. **Ex. 6 - Personal Privacy** not very well. **Ex. 6 - Personal Privacy** and coughs a lot. I am worried that it is not good for her to live near these hog facilities.

20. I've never seen anything like these industrial hog farms before I moved here, to Duplin County. I think more African Americans are affected by the hog facilities because I see most of the hog facilities concentrated in mainly African-American communities. I wish it could be stopped altogether.

21. I used to do advocacy against the hog farms and I've done interviews about the hog farm smell. This was approximately eight or nine years ago.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Executed in Duplin County North Carolina on August 30, 2014

Signed: **Ex. 6 - Personal Privacy**

Address: **Ex. 6 - Personal Privacy** NC 28349

Addressee: **Ex. 6 - Personal Privacy**

Map radius: Approximately 2 miles

Source: Google Maps

**Ex. 6 - Personal Privacy**